



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,184	04/02/2001	Edward Lo	500742.01	1685

27076 7590 06/14/2005

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
SUITE 3400
1420 FIFTH AVENUE
SEATTLE, WA 98101

EXAMINER

BAROT, BHARAT

ART UNIT PAPER NUMBER

2155

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,184

Applicant(s)

BERTI ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RESPONSE TO AMENDMENT

1. Claims 1-11 (PREVIOUSLY PRESENTED) remain for further examination. Applicants' arguments with respect to claims 1-11 filed on February 16, 2005 have been fully considered.

The old rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on August 16, 2004. Applicants' arguments with respect to claims 1-11 have been fully considered but they are deemed to be moot and old rejection maintained.

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 2155

5. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Innes et al (U.S. Patent No. 6,754,321). Innes' patent meets all the limitations for claims 1-11 recited in the claimed invention.

6. As to claim 1, Innes et al disclose a system for enhancing connectivity over the Internet (figure 1), comprising: a schedule (enterprise server) having shifts of workers in which orders are assigned to be performed (column 5 line 63 to column 6 line 25); a mobile device accessing the schedule by an application through the Internet (column 6 lines 25-37); and a proxy that acts for the schedule when the mobile device is temporarily disconnected to the Internet (column 6 lines 38-44).

7. As to claim 2, Innes et al disclose that a bypass mechanism to allow the proxy to update the schedule without going through a web server when the mobile device is again connected from the Internet (column 6 lines 38-44).

8. As to claim 3, Innes et al disclose that the proxy includes a server that services the application as if the application were connected to the schedule when the mobile device is temporarily disconnected from the schedule (column 2 lines 10-20; and column 6 lines 25-44).

9. As to claim 4, Innes et al disclose that when the mobile device is again connected to the Internet, the proxy includes a servlet that communicates with the schedule to update the schedule with information generated by the application while the mobile device is temporarily disconnected from the Internet (column 2 lines 10-20; column 6 lines 25-44; and column 7 lines 12-28).

10. As to claim 5, Innes et al disclose that proxy includes a database that stores information generated by the application while the mobile device is temporarily disconnected from the schedule (column 2 lines 10-20; and column 4 lines 20-33).

11. As to claims 6-10, they are also rejected for the same reasons set forth to rejecting claims 1-5 above, since claims 6-10 are merely a method of operations performed by the apparatus defined in the claims 1-5.

12. As to claim 11, it is also rejected for the same reasons set forth to rejecting claim 1 above, since claim 11 is merely a computer program product for controlling the apparatus defined in the claim 1 (see column 2 lines 56-62).

Response to Arguments

13. Applicant's arguments with respect to claims 1-43 filed on January 23, 2004 (Paper Number 08) have been fully considered but they are not deemed to be persuasive for the claims 1-43.

14. In the remarks, the applicant argues that:

(A) **Argument:** Innes does not teach or suggest a schedule having shifts of workers in which orders are assigned to be performed.

Response: Innes teaches that registering the device names with an enterprise server within a network, the enterprise server routes to a respective server-based input queue all communications which are destined for the registered devices and stores communications in the storage (column 5 line 63 to column 6 line 25) which implies that a schedule (enterprise server) having shifts of workers (devices) in which orders (communications) are assigned to be performed.

(B) **Argument:** Innes does not teach or suggest a proxy that acts for the schedule when the mobile device is temporarily disconnected to the Internet.

Response: Innes teaches that when the mobile device is disconnected, the network-connected computer (proxy) that act for the schedule (enterprise server) (column 6 lines 38-44).

(C) **Argument:** Innes is not valid prior art.

Response: Applicant claims priority to US provisional application no. 60/193,917 filed on March 31, 2000, but the reference (US patent to Innes et al.) claims foreign priority to GB application no. 0004010 filed on February 22, 2000; therefore, the cited reference (US patent to Innes et al.) is valid prior art.

15. This action is made final. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact Information

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached at (571) 272-4001.

Art Unit: 2155

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.


BHARAT BAROT
PRIMARY EXAMINER

Patent Examiner Bharat Barot

Art Unit 2155

June 02, 2005